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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHIS

Case No.: No. 04-2003-Ma/P

MELODY A. E. WINTERS,

Plaintiff,

Vs.

JOHN W. SNOW, SECRETARY, UNITED STATES

DEPARTMENT, OF THE TREASURY, et al.,

Defendant

**PLAINTIFF'S DEMAND FOR JURY TRIAL**

Pursuant to the Seventh Amendment of the U. S. Constitution, 28 USC 121 S 1861 and FRCP 38 (a) and (b), Plaintiff demands a trial by jury of all issues triable of right by jury. These issues include (but are not limited to)

1. Whether sufficient documented evidence exists to conclude that Defendant created a pretext for termination;
2. Whether time and attendance sheets which were repeatedly altered can cause the jury to conclude that Defendant agency denied Plaintiff her Constitutionally-protected right to Due Process;
3. Whether Defendant agency's letter of termination is evidence of actual malice (retaliation) where it states that Plaintiff was terminated for:
  1. "Your manager attempted to resolve a conflict between you and a coworker. However, it appears you were not satisfied with your manager's attempts to control this matter..." and

documentation exists that shows manager was reprimanded for not having counseled the offending employees;

2. Plaintiff was charged with AWOL when sufficient questions exist as to whether Plaintiff still had both Annual and Sick days to cover the 20 hours charged and documentation was provided to the nursing station and the Section Chief to cover the absence;
  4. Whether sufficient expert testimony/documentation exists to show that Plaintiff developed PTSD as a result of the hostile (racist) work environment at the IRS MSCC;
  5. Whether Defendant knew about the hostile work environment and whether Defendant's negligence contributed to Plaintiff's inability to continue/complete her requirements for attaining her Master's Degree (6 hours necessary for graduation;
  6. All other issues triable of a right by jury.
- For the above-referenced reasons, Plaintiff prays the Court will approve this demand for a jury trial.

Dated this 27<sup>th</sup> day of March, 2006

By: 

Melody A.E. Winters

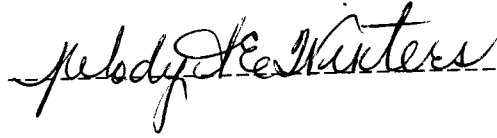
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CERTIFICATE OF SERVICE

I hereby certify that I am hand-delivering a copy of this petition to the opposing counsel.

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Distribution

Linda Nettles-Harris, Assistant United States Attorney

U. S. Justice Department, 800 Federal Building

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